

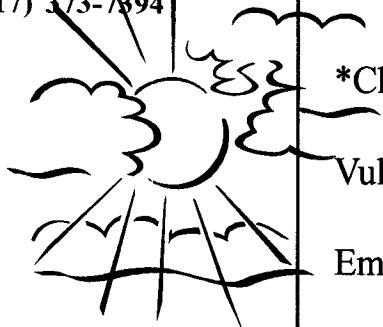
***Department
of
Human
Services***

Articles in Today's Clips

Friday, June 9, 2006

(Be sure to maximize your screen to read your clips)

Prepared by the
DHS Office of
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911 Operators Face Charges

By Kimberly Craig

Web produced by Sarah Morgan

June 9, 2006

Friday, two 911 operators faced charges in court after being accused of dismissing a 5-year-old boy's calls for help the day his mother collapsed and died.

Sharon Nichols and Terri Sutton were both charged with willful neglect of duty, a misdemeanor, and face one year in jail if convicted.

Prosecutor Kym Worthy said the actions of the two 911 operators were egregious and "not what we expect or should expect at any time from our 911 operators."

Nichols' attorney, Cornelius Pitts, believes the charges are meant to please the public.

"I can't speak for someone else, but it would seem to me that there's a feeling that indeed someone, in order to please the public, has to be almost polarized, that is abused, held in somewhat contempt because of some actions that any human being is subject to making an error," said Pitts.

Sutton's attorney, David Lee, said, "Obviously she has already been pilloried in the media and this is why we look forward to coming to court and defending this case in the proper forum. And I would hope that the public will withhold judgment until everything is out on the table. And that will happen."

Nichols and Sutton were both released on a personal bond. They have been suspended from their jobs, but it is possible the city could fire them.

Rose Kelly

Probe state agency, but girl needed caring parents most

FLINT

THE FLINT JOURNAL FIRST EDITION

Thursday, June 08, 2006

A critical spotlight focuses on the state's Child Protective Services agency, while the community awaits an autopsy report on Rose Kelly, the 5-year-old who died in conditions in a Flint home so revolting as to defy imagination.

But no state agency, no matter how well financed or competently staffed, could ever develop the capacity to replace family and the extended community when these break down across society as has happened here.

Rose died a captive of the breakdown, as her mother refused to get her medical attention even while her flu-like symptoms worsened to seizures. The full truth is yet to be revealed, but Michelle L. Bowen has admitted that she resisted taking her daughter to a doctor because she believed CPS would remove her four children from the home. In other words, she seemed to grasp the implications of having children infested with head lice, along with the other manifestations of gross filth in the home she shared with her fiance Jeffery C. Kelly.

The couple and their children were known to CPS, which in 2004 and 2005 had tried to get them into "parenting" classes and training in some other "prevention services."

The tragedy of Rose's death will bring about a review of CPS' diligence, funding and the capacity of its workers, along with repercussions over the fact that the children had not been removed from their parents' custody.

CPS could counter that even a poor family can be preferable to placement in a state-run network of foster homes. It must be elusively difficult to know when that point of no return has been reached, although it's now easy to say that removing Rose could have saved her life.

What she needed most, though, was not better social workers, but a family headed by loving, committed parents working as partners to raise them well - a societal phenomenon that has become all too rare. CPS at its highest moments never can be an adequate substitute for that.

Published June 9, 2006

[From the Lansing State Journal]

Mom accused of exposing kids to filth

Associated Press

GROSSE POINTE FARMS - A suburban Detroit woman has been charged with child endangerment on accusations of exposing her two teenage children to harm by keeping 42 cats, three dogs and six birds in an animal-waste permeated home.

Wayne County Prosecutor Kym Worthy announced the two misdemeanor charges

Wednesday against Sylvia Gray, 57. She is to be arraigned June 21 in Grosse Pointe Farms Municipal Court.

She also faces trial Aug. 30 in the same court on larceny charges. Authorities say she stole some of the cats from the nonprofit agency All About Animals Rescue in Eastpointe where she volunteered.

A message was left Thursday for Gray seeking comment.

Gray's 14-year-old son and 16-year-old daughter now live with relatives, prosecutor's spokeswoman Maria Miller said.

The endangerment charge is punishable by up to 90 days in jail.

Mother Leaves Children Home Alone; House Catches Fire

One Child Listed In Critical Condition

POSTED: 5:51 pm EDT June 8, 2006

A mother is facing charges for leaving her five children, ages 2 to 12, home alone to go job hunting, according to police. While the mother was away, the house caught fire.

Around 1:30 p.m. on Thursday, the home located on Detroit's eastside burst into flames. The fire began in an upstairs bedroom of the home.

Neighbors saw the fire and called 911. The closest fire station was only one mile from the home but was closed at the time of the call.

Neighbors took action and were able to get three children out of the home safely but one remained trapped inside.

A fire crew had to travel seven miles to reach the burning home. When they arrived they found the 10-year-old unconscious. CPR was performed on the child and after three minutes the child began breathing on his own.

The 10-year-old is in critical condition, and the other four are listed in good condition.

Police believe the fire was a result of the kids playing with matches.

The woman has a history of leaving her children home alone, according to police.

The kids will not be released to their mother, who now faces charges of child neglect.

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West Branch girl returning today from trip to Wyoming, police say

Friday, June 09, 2006

By HELEN LOUNSBURY
BAY CITY TIMES WRITER

WEST BRANCH - Police are still trying to understand why a 12-year-old West Branch girl packed her bags this week and drove 1,700 miles to Wyoming with a teenage boy she knew only through the Internet.

Investigators tracked Trista Garland and her 17-year-old friend, Jason Pickler, late Wednesday in Casper, Wyo., where the boy lives. As of Thursday, Wyoming authorities said they were holding the teen in custody.

The girl, meanwhile, was traveling with authorities early today to reunite with her parents in Minnesota - a mid-way driving point between Casper and West Branch.

Wyoming police said Garland not only appeared unharmed when located late Wednesday, she also seemed content about her choices, her journey and her new friend.

Both she and Pickler, in fact, cooperated fully with police after being tracked and contacted in Casper late Wednesday, just after arriving. The pair agreed to meet police for questioning and seemed confident, during a four-hour interview with investigators, that their actions were sound and sensible, police said.

"He said the only reason he came and picked her up was to become her guardian, that she had a bad home situation," West Branch Police Chief Rodger Williams said Thursday.

"He says there was no sex involved," Williams continued. "So far, we don't know anything different from that. They had very little time together except for the drive."

Casper police, too, believe Pickler was being "upfront and honest," about the innocence of the pair's relationship, Williams added.

"(The boy) told them that if they take the girl home, 'I'll come back and get her,'" Williams said. "She'd painted a picture of a pretty bad home situation" during their Internet communications.

That electronic relationship went on for as long as 18 months, police said. Wyoming investigators believe the boy's parents were involved, too, his father communicating with the West Branch girl over a period of months.

On Thursday, Casper police were seeking a warrant to seize the family's computer and search its records, Williams said.

Garland's mother, meanwhile, Jennifer Needham of West Branch, said she was shell-shocked to discover her daughter, a sixth-grader at Ogemaw Hills Christian School, had run away Tuesday with a stranger.

"I've only talked to her once, briefly, but the little girl I talked to today (Thursday, by phone) wasn't the same little girl I knew," Needham said during her all-night drive to get her daughter in Minnesota. "She was very upset. She wanted to stay there, and she says she's in love.

"I'm very concerned," Needham continued. "I just don't think a 17-year-old boy would drive 24 hours to hold hands with a girl."

Needham also said that her daughter's depiction of life at home was false - an excuse, likely, to justify her departure, Needham said.

"Anyone who knows me or my children knows that's not true," Needham said. "We're a family. We do all kinds of things together..."

Police say the daughter was given computer access for weeks after her mother discovered the girl's special Internet friendship. When the Wyoming teen sent her daughter flowers on May 9, Needham traced the flowers' origin to the Casper, Wyo., youth, Williams said.

Garland also reportedly planned her escapade weeks, if not months, in advance, police said. When investigators interviewed the girl's classmates Wednesday, friends said she'd told everyone she was moving away at the end of the school year.

Today, Wyoming authorities planned to charge Pickler with a felony - taking a juvenile across state lines. The Wyoming youth reportedly drove his long-distance road trip with his best friend, then met Garland about 9:30 a.m. Tuesday. Witnesses told police they'd seen the pair as late as noon Tuesday in downtown West Branch.

"You like to think this is an isolated case, but I guarantee you, there are more kids out there getting unsupervised time on the Internet than you'd care to know," Williams said.

Michigan Girl Detained In Jordan In 'MySpace' Meeting

16-Year-Old Met Man Over Internet

POSTED: 10:48 am EDT June 9, 2006

DETROIT -- A 16-year-old Michigan girl who told her parents she was going to Canada but then boarded a plane to the Middle East to see a West Bank man she met on the popular Web site MySpace.com was on her way home from Jordan on Friday, an FBI spokesman said.

Katherine Lester (pictured) disappeared Monday from her home in Gilford, 15 miles east of Saginaw, Tuscola County Undersheriff James Jashinske said Friday. He said she apparently planned to visit a man whose MySpace account describes him as a 25-year-old from Jericho.

On Thursday night, her family received word from U.S. officials that she had been stopped as she arrived in Amman, Jordan, en route to Tel Aviv, Israel, said her mother, Shawn Lester.

"A woman from the U.S. government called and said they had detained her in Amman," she told The Saginaw News. "I asked if she was all right, but all the woman knew was that she was detained."

U.S. officials persuaded her to return home from Amman, FBI Special Agent Robert Beeckman said from the agency's Detroit office.

"She's on a plane right now," Beeckman said at 9:30 a.m. EDT. It was not immediately known when she would arrive back in the United States.

Shawn Lester, 41, said her daughter, a National Honor Society student at Akron-Fairgrove High School, persuaded her in April to help her get her a passport so she could go on a two-week vacation to Canada with a friend's family.

Shawn Lester said she drove her daughter on Sunday to a Bay City bus station, where the friend's family was to meet them. When the family didn't show, Shawn Lester called them and learned there was no trip. She brought her daughter home and was baffled. The next day, Shawn Lester left her daughter asleep at their home in Gilford. When she returned, Katherine Lester was gone.

She called three times since leaving home, her mother said, but no one suspected the teen was leaving the country until Wednesday, when Katherine Lester's stepmother looked at the teen's MySpace account and learned of the older man.

The sheriff's department contacted the FBI, which was able to trace the teen to a flight from New York's Kennedy International Airport to Amman, Jashinske said from his office in Caro.

"The FBI did a heck of a job for us," the undersheriff said.

Jashinske said deputies confiscated the family's home computer and were going to take it to the FBI's Bay City office Friday for analysis. He said it remained unclear whether the law had been violated.

"I'll be honest with you, we don't know if a crime's been committed," he said. "She had a meeting online with the gentleman" from Jericho. An online conversation with a 16-year-old is not illegal under Michigan law, but solicitation for sex would be, Jashinske said. "We can be in love," he said. "Talk about some other things and you can be in trouble." FBI spokesman Brian Endrizal declined to provide any details and would not comment on the man's identity or background.

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Computer safety

Ann Arbor News

Friday, June 09, 2006

I-SAFE America Inc., a nonprofit foundation that provides Internet safety education through K-12 curriculum, community outreach programs to parents, law enforcement and community leaders, offers parents these tips:

- ☐ Always keep your child's computer in an open area. Never allow a computer with Internet access in your child's bedroom.
- ☐ Regularly review your computer files.
- ☐ Educate yourself on the ins and outs of the Internet.
- ☐ Teach your child the responsible use of online resources.
- ☐ Talk to your child about online dangers. Let them know you are there to help them get out of a bad situation.
- ☐ Talk to other parents about your experiences. It will help everyone.

For more information or tips, visit www.i-SAFE.org.

Source: i-SAFE America Inc.

Sentence deal angers many

Agreement calls for admitted child molester to get 1 year in jail

Friday, June 09, 2006

Ann Arbor News Staff Reporter

Aimee Smith isn't sure how to begin the letter she is drafting to a Washtenaw County judge who halted a trial and accepted an offer from the defense attorney that calls for only one year in jail for the man who molested Smith's young daughter.

Mostly, Smith says, she wants to ask, "Why?"

With jury selection already under way Monday in the sexual assault case, Circuit Judge Melinda Morris entered into a sentencing agreement with the defendant and sent jurors home. The terms of that agreement call for one year in jail, with credit for 60 days already served.

The judge's actions were met with strenuous objections from the victim's family, police and prosecutors - who are considering an appeal.

James Robert Smith, 53, is now convicted of molesting two granddaughters in separate cases in Wayne and Washtenaw counties, but is expected to serve a total of less than two years in county jails for four convictions of second-degree criminal sexual assault.

Smith pleaded guilty Monday to two counts of second-degree criminal sexual conduct involving a victim under 13 years of age in the Washtenaw County case and is scheduled to be sentenced July 10. Once he completes jail time, Smith will be placed on five years of probation and has already been ordered to register as a sex offender.

Second-degree criminal sexual conduct, which does not involve penetration, is punishable by up to 15 years in prison. A defense attorney said that, based on his assessment, the guidelines in the case called for a three- to 15-year prison sentence.

Public defender Carl Macpherson proposed the sentencing agreement before jury selection began in Morris' courtroom, and the judge asked the prosecutor to consult with the victim's family. When Assistant Prosecutor Blaine Longworth said both prosecutors and the family objected, jury selection began.

Morris halted the proceedings and agreed to accept the proposed sentence if Smith entered a guilty plea.

"When the officer called back and said he had bad news, I just knew," Aimee Smith said. "I wanted to ask the judge why she would do something like that - such a short sentence. That's no justice at all whatsoever."

A clerk for Morris said the judge has a policy of not publicly discussing her cases outside of the courtroom and would not comment on the case. Judges often won't discuss their rulings, but are obligated to state on the record and in writing their reasoning if they deviate from the low or high ends of state guidelines. In this case, Morris will have to articulate her decision at the sentencing if she follows the agreement.

Smith was first accused of molesting a 6-year-old granddaughter in Wayne County in 2003. A criminal warrant in that case had been issued by the time Aimee Smith's then 7-year-old daughter told her she had been molested, but Aimee Smith was unaware of the other case at the time.

Aimee Smith said she and her daughter were watching an episode of the Oprah Winfrey Show in December 2004 about child molestation, and 20 minutes after it ended, her tearful daughter told her about the assaults. The family lived with James Smith at the time in Ypsilanti Township, but have since moved out of state.

At a preliminary hearing last fall, the girl testified that when James Smith was watching her one afternoon, she was lying on her bed in her room when he climbed on top of her and began touching her inside and outside of her clothing.

The now 9-year-old girl told The News Thursday that she was happy she didn't have to go to court again for the trial, but she didn't think it was fair that her grandfather would get only a year in jail for what he did.

"I would at least want him to be in prison for five or six years or more than that," the girl said. "He can't just be put in prison for one year. I don't want him to get out. He's bad and will probably do it again. Then he'll get in trouble again."

In the Wayne County case, Smith pleaded guilty last year to two counts of second-degree criminal sexual conduct and served eight months in jail, to be followed by five years of probation.

After Smith was charged in Washtenaw County and released on \$25,000 bond, he was accused of violating his probation. A probation officer discovered a young boy in Smith's home in violation of a condition that prohibits him from having contact with children under 16, said Russ Marlan, a spokesman for the Michigan Department of Corrections. Smith was ordered to serve 90 days in jail. He will complete that sentence next week.

Aimee Smith said she was not in the courtroom Monday when the judge agreed to the one-year jail term because she and her daughter planned to make the trip here from their home in Ohio after jury selection was completed.

"I was shocked," Aimee Smith said. "I wanted to have my say. I wanted to ask her, 'What if that was your child who was touched and kissed by this man?' He'll get out and do the same thing again."

Washtenaw County Deputy Chief Assistant Prosecutor Steve Hiller said his office strongly objected to the judge's decision and is considering an appeal. He said an appeal can't be filed until after a sentence is rendered because Morris could still reject the agreement if she chose to at the sentencing. It's rare for judges to reverse their decisions, but not unheard of, especially in cases when new information emerges.

Washtenaw County Sheriff's Cmdr. Dave Egeler, whose agency investigated the case, declined to comment on the sentencing agreement.

Aimee Smith is pushing for an appeal and plans to have her say during the victim's impact portion of the sentencing next month. She said her daughter is in counseling because of the molestation.

Smith, who had her fourth child the day after her daughter revealed the molestation, said the case has created stress and depression for the family, and they moved to Ohio to start over. She was hoping James Smith would serve a minimum of eight to 15 years in prison.

"It's been hard and it goes through my mind every day that this is my fault and if I was a good mom, it wouldn't have happened. I keep going back and looking for the signs of how I could have known she was getting molested," Aimee Smith said. "I can't really express how this has affected us and how I feel about the decision that the judge made."

Amalie Nash can be reached at anash@annarbornews.com or 734-994-6832.

Child sexual abuse facts

Ann Arbor News

Friday, June 09, 2006

- ☐ Most often, sexual abusers know the child they abuse but are not related to the child. About 60 percent of abusers are nonrelated acquaintances, such as friends of the family, baby sitters or neighbors.
- ☐ About 30 percent of those who sexually abuse children are relatives of the child, such as fathers, uncles or cousins.
- ☐ Strangers are responsible for about 10 percent of child sexual abuse cases.
- ☐ Men are found to be the abusers in most cases, regardless of whether the victim is a boy or a girl.
- ☐ By some estimates, 25 percent of girls and 10 percent of boys are sexually abused at some point.

How to recognize child sexual abuse

Unfortunately, there are often no obvious signs that a child has been sexually abused. Because sexual abuse often occurs in private and because it often does not result in physical evidence, child sexual abuse can be difficult to detect.

There is no "child sexual abuse syndrome," or any symptom that a majority of sexually abused children exhibit, but some symptoms do exist. They include:

- ☐ Symptoms of post-traumatic stress disorder, including agitated behavior, frightening dreams and repetitive play in which aspects of the abuse are expressed.
- ☐ Sexual behavior or seductiveness that is inappropriate for a child's age

AP: Papers sought in Ga. child killings

6/9/2006, 10:49 a.m. ET

By HARRY R. WEBER

The Associated Press

ATLANTA (AP) — Lawyers for convicted killer Wayne Williams, blamed for the murder of two dozen boys and young men in the late 1970s and early '80s, are seeking police documents about a child molester who lived in the area.

In an appeal of a federal judge's rejection of Williams' challenge to his incarceration, his lawyers are asking for the right to subpoena police files containing information about the molester.

The court papers made public Friday don't name the man, but they say he is a convicted multiple child molester currently serving time in a Georgia prison. They also allege that investigators knew the man was a viable suspect in the child murders but never told defense attorneys.

Evidence about the man resurfaced within the last year after a former police chief in DeKalb County, near Atlanta, reopened the investigation into five killings, the court papers say.

"A profound miscarriage of justice has occurred in this matter, which not only has kept (Williams) behind bars for a majority of his adult life, but also which kept a blind eye to bringing the real killers of these many victims to justice," the lawyers wrote in the motion.

A spokeswoman for the state Attorney General's Office did not immediately return a call seeking comment.

Between 1979 and 1981, 29 black boys and young men were killed in the Atlanta area, sparking fear throughout the region.

Williams was convicted in 1982 of murdering Jimmy Ray Payne, 21, and Nathaniel Cater, 27, and sentenced to two consecutive life terms. Evidence of a pattern of conduct in 12 of the murders was used in his trial. Afterward, officials declared Williams responsible for 22 other deaths, and those cases were closed.

Williams, who is black, has contended that he was framed. He has maintained that Atlanta officials covered up evidence of Ku Klux Klan involvement in the killings to avoid a race war in the city, a claim investigators have denied.

In a telephone interview from prison last month with The Associated Press, Williams said he is confident about his prospects after more than 20 years in prison.

"I'll say this 100 times. It should be obvious right now of my innocence," he said.

Caregiver charged in woman's drowning

Web-posted Jun 9, 2006

By KORIE WILKINS
Of The Oakland Press

BRANDON TWP. - A woman who worked with developmentally disabled adults is facing charges of involuntary manslaughter after, authorities say, someone in her care drowned.

Wendy Marie Donaldson was charged Thursday with the felony, which carries a penalty of up to 15 years in prison upon conviction. Police and prosecutors say Donaldson was working in a group home in Brandon Township when she left a 66-year-old woman unattended in a bathtub May 11. The woman, Carol Christie, somehow slipped under the water and drowned, said Chief Deputy Prosecutor Deborah Carley.

Christie, a ward of the state, has no known relatives. She was taken off life support May 13 and died a short time later. She had lived in the home since 1982.

"It's a very sad case," Carley said.

Donaldson, 25, of Ortonville started giving Christie a bath when another staff member was present, Carley said. She was also assisting another resident with a shower. When Donaldson went to check on Christie, she found the woman - who had the mental capacity of a toddler - facedown in the tub.

She called 9-1-1, Carley said. But when help arrived, Donaldson's clothing was not wet. There was also no evidence that she had donned a mask - used to shield people from germs when performing CPR.

"It leads to the concern that she didn't perform CPR (on the victim)," Carley said.

Donaldson's attorney, Bradley Stout, said his client was in a very difficult position the night Christie drowned. She was not supposed to be working alone. A second staff member was scheduled to leave at 8 p.m. and a third staff member, who had been slated to stay until 10 p.m., had been sent home by management, he said.

"She feels terrible," Stout said. "My client and her family are very upset about the incident. We are definitely going to defend the charges that have been brought."

Donaldson turned herself in to authorities Thursday. She was arraigned by 52-2 District Court Judge Dana Fortinberry on Thursday afternoon and was released on a \$100,000 personal bond. She will be back in court July 10.

Messages left for Gloria Mitzelfeld, executive director of the company that runs the group home, were not returned. The number for the home itself had been disconnected.

The state's Department of Human Services has investigated the home, in the 7000 block of Oakhill, before. In August 2005, a patient at a Macomb County dentist's office called authorities after allegedly seeing a staff member being abusive with a resident. No substantial violations were found.

And, in July 2005, a staff member complained to authorities that another staff member at the home pushed one of the residents. The staff member accused of pushing the resident was fired.

The home's license is set to expire June 27. The small group home has a capacity of six residents.

Maureen Sorbet, spokeswoman for the Department of Human Services, said she could not comment on the outcome of an investigation into Christie's death because it had not yet been reviewed by Mitzelfeld. She said the investigation will likely be made public next week. The home's license is not suspended at this time.

"There are processes that need to be followed," Sorbet said.

Oakland County Sheriff Michael Bouchard said investigators were called to the home the day of the incident. He said the rules at the home are such that a staff member is not permitted to perform a major task, such as bathing, with a resident if the staff member is working alone. The consequence of Donaldson not following the rules, Bouchard said, was a tragic death.

"We have to protect our most vulnerable, like the elderly and the disabled," he said.

"When that fails, people need to be held accountable."

Michigan Report

June 8, 2006

JOB TRAINING GETS \$105 MILLION BOOST IN FEDERAL FUNDS

Michigan is set to receive \$105 million in federal funds to go toward employment and training opportunities, the Department of Labor & Economic Growth announced on Thursday.

The funds, which were awarded under the federal Workforce Investment Act, will go to 25 Michigan Works! agencies to fund three programs: \$28 million for the adult program; \$46.8 million for the dislocated worker program and \$30.4 million for the youth program.

These programs update the occupational skills of the participants, which improves the quality of the workforce, reduces welfare dependency, and enhances the overall productivity and competitiveness of our economy, Governor Jennifer Granholm said in a release from DLEG.

The WIA Adult and Dislocated Worker programs are targeted to increase the employment, job retention and earnings of participants through activities such as skill upgrading, on-the-job training and job placement assistance. While the WIA Youth Program promotes youth leadership development and citizenship through voluntary community service opportunities, adult mentoring and follow-ups, and targeted programs for youth living in high poverty areas.

Published June 9, 2006
[From the Lansing State Journal]

Carl L. Gromek: Michigan court rule protects privacy

As the LSJ recently observed, government agencies and the public both need to be alert to potential misuse of Social Security numbers ("Sensitive: When private info is compromised, the public needs to know - quickly," May 31).

In the interests of open government, most court files are available for public inspection, yet some court files may contain Social Security numbers that are collected in the ordinary course of business - for example, in a criminal investigation or child support case

The Michigan Supreme Court's recently adopted privacy policy, which went into effect March 1, aims to protect Social Security numbers while allowing their use by law enforcement and for other legitimate purposes. For cases filed on or after the March 1 effective date, trial courts are limited to collecting the last four digits of a Social Security number for identification purposes. No person may include a Social Security number in a court document without authorization by a statute, court order or court rule, or for identification in a collection case.

Without legal authority, anyone who does include a Social Security number in a public court document is subject to contempt of court, as well as costs and attorney fees related to protecting the Social Security number. In addition, a person whose Social Security number is contained in a court document filed on or after March 1 may ask the court to either redact the number or place the document in a separate, nonpublic file.

Too, if a court gets a request for copies of a public document containing a Social Security number, the court must redact the number on the copy.

To see the complete policy, please visit the Supreme Court's Web site at www.courts.michigan.gov/supremecourt/resources/administrative/2006-2.pdf.

Carl L. Gromek is Michigan's state court administrator.

BREAKING NEWS

Both sides rest in Unger case

Closing arguments expected next week

June 8, 2006

BY FRANK WITSIL
FREE PRESS STAFF WRITER

BEULAH -- After six weeks of testimony in the murder trial of Mark Unger, both sides rested and set the stage for closing arguments next week.

Unger, who is charged with killing his wife, Florence, by forcing her off a wooden deck and drowning her in a nearby lake while the couple was vacationing at Watervale, did not testify, saying in court that he wanted to take the stand but was following his attorney Robert Harrison's advice.

"You have the right to testify, if you want to testify," Benzie County Circuit Judge James Batzer told Unger.

"I understand that your honor," Unger, 45, of Huntington Woods, replied.

Batzer also told Unger that he also had the right not to testify. Unger said he understood that, too.

Batzer instructed the jurors to base their decision only on the court testimony and more than 250 exhibits -- photographs, drawings, deck railing and documents -- that have been presented. They were told not to discuss the case over the weekend with anyone -- including each other -- and to not try to investigate anything about the case or do their own experiments.

Closing arguments are expected to begin at 9:15 a.m. Wednesday, and then the jury of 12 -- seven men and eight women minus three alternates -- will begin deliberations.

Friday, June 09, 2006

Unger defense rests Lawyer will pursue evidence he claims was withheld

Mike Martindale / The Detroit News

BEULAH -- Despite resting his case Thursday, Mark Unger's defense attorney said he will pursue information he believes that has been improperly withheld by officials and could help exonerate his client for his wife's murder.

Mark Unger, 45, of Huntington Woods is on trial for first-degree murder in the October 25, 2003 death of his wife, Florence, 37. Investigators say Florence Unger was pushed or kicked off a boathouse deck at a northern Michigan lakeside resort during an argument over the couple's pending divorce. They say Unger then dragged her unconscious body to Lower Herring Lake where she was found floating face down the next morning.

The defense completed its side in the trial Thursday after producing several witnesses and showing the jury a computer animated graphic designed to demonstrate how Florence Unger could have accidentally fallen over a railing, which one expert said was deteriorated and rotting.

The wooden railing is such an important issue that defense attorney Robert S. Harrison subpoenaed documents from Exponent, Inc., a Menlo Park, California-based engineering company that removed it under a contract with the Oakland County Prosecutor's Office. Harrison said if there is anything substantive in the documents, he will bring it up before Benzie Circuit Judge James M. Batzer next Wednesday when he and Assistant Attorney General Donna L. Pendergast are to begin closing arguments before the jury.

"I still don't know what information they have but an Exponent representative contacted my office and said records would be supplied," said Harrison. "We had hoped to have the records and a custodian of the documents in court to explain them but that person is in San Francisco and we were unable to get them here in time."

Harrison stressed he has been attempting to obtain information on the company's findings "for months." He said he has gotten "the run around" from the Oakland County Prosecutor's Office and Pendergast. Harrison has said the county is unwilling to divulge Exponent's report because the findings do not support the prosecution's case.

Oakland County Prosecutor David Gorcyca bristled at Harrison's suggestion any evidence had been withheld and told The News earlier this week there was no report from Exponent. Gorcyca and deputy prosecutor Deborah Carley said investigators initially wanted to build a replica of the deck for another court matter. After it appeared the project would be too difficult and the cost too excessive the plan was abandoned. The county still paid \$30,000 for railing removal and storage.

"That's a lot of money for sawing off a piece of wood and storing it," said Harrison. "I have to believe that includes some reports and analysis of the railing. And I want that."

The subpoenas order Exponent to produce all documents generated since October 24, 2003 related to services provided to either the Oakland County Prosecutor's Office and or the Michigan Attorney General's Office or any other law enforcement agency related to the "inspection, removal, transportation, relocation, disassembly, reassembly, custody, disposition, testing, analysis, storage and or return of any portion of the wooden deck, railing, and/or posts"

While Unger said he was on the deck on the night of Oct. 24 with his wife, he also told police he left her alone to tuck their two sons in bed at a nearby cottage. When he returned to the deck his wife was gone, he said, so he went back to their cottage where he watched a video and fell asleep.

Harrison produced documents Thursday that showed Unger had rented two videos: "Scooby Doo" and a comedy "Anger Management" from a Berkley video store that week.

In another development Thursday, Harrison asked Judge Batzer to restrict his pre-deliberation instructions to jurors to only consider "first-degree murder and not guilty and no lesser offenses."

Batzer decided to add second-degree murder to jury considerations.

First degree murder is punishable by a mandatory sentence of life in prison, without parole. Second-degree murder carries a penalty of any term of up to life, with parole.

Harrison and Unger both exhibited faith in their belief that the prosecution has failed to prove its case against him and also confidence in the aggressive defense heard by the jury since last week with several witnesses and unusual exhibits. Harrison had earlier asked Batzer to dismiss the case after the prosecution completed its side.

Harrison contends the prosecution's case was so focused on first-degree charges he felt they should have to prove that or nothing at all.

"Believe me they (prosecution) would do cartwheels naked at high noon on Times Square if they could get a second-degree murder conviction," said Harrison.

The trial began April 26 and a jury of eight men and seven women has heard from dozens of witnesses, including friends and family of the Ungers, forensic pathologists and physicists and other experts. Nearly 300 exhibits -- from grim photographs and computer animated graphics to a 10-foot long replica of the boathouse deck and railing -- have also been brought into court for the jury's consideration.

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News Release

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Kent County DHS Announces New Approach to Foster Care ***"Family to Family" Keeps Foster Care Kids in their Schools and Communities***

June 8, 2006

GRAND RAPIDS – For many years, foster children in Michigan were often placed outside of their own communities and moved multiple times while in care. There is substantial research indicating that children in foster care who have frequent contact with their birth parents, remain in their schools, and continue their existing friendship and family networks, have a higher rate of successful reunification with their birth parents.

"Children are our most precious resource," Governor Jennifer M. Granholm said. "It is critical that we work together to do everything we can not only to ensure the safety of our children, but also to provide them with a stable environment in which they are surrounded by adults who care about them and will help them learn and grow."

That is why the Michigan Department of Human Services is working to implement a child welfare reform initiative called Family to Family in every county in the state. The goal of Family to Family is to place children who must be removed from their families with one permanent and stable family in the child's own community until reunification with birth families can occur or until the child is released for adoption.

The Family to Family initiative has already been successfully implemented in several counties across the state, including Kent County. Family to Family is a partnership between the local Department of Human Services and the community to reduce disruption in the lives of at-risk children. This approach ensures that birth parents, foster parents and community representatives are involved in the decision-making process concerning the placement and service needs of at-risk children.

In an effort to help Kent County residents better understand the Family to Family initiative, the Kent County Department of Human Services is hosting a community forum on June 8, 2006 from 6:00 p.m. to 9:00 p.m. at Madison Square Church, 1441 Madison Ave. SE, in Grand Rapids.

This event will feature foster parents and former foster youth speaking about their experience with the child welfare system as well as parents who have been or are currently involved in the state's child welfare system. Additionally, Senator Bill Hardiman, Kent County DHS representatives and the director of Bethany Christian Services will discuss the importance of Family to Family and explain how it works.

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"When children are placed in foster care they often do not understand what has happened and why they cannot live with their parents," Marianne Udow, Michigan Department of Human Services director, said. "When we ask children where they want to be, no matter how dysfunctional their family is, the children overwhelmingly say they want to live with their family. With the Family to Family approach we are able to keep kids in their own neighborhoods and communities by placing them with extended family or kin. The less disruption children encounter, the easier it will be for them to succeed in school and in life."

The Family to Family model protects children by:

- ☐ Increasing family involvement and investment in developing safety and service plans for their children.
- ☐ Utilizing extended family, kin and community-based resources to support the family and monitor the safety of the children.
- ☐ Providing better information to DHS staff to ensure that all safety issues are addressed and back-up plans are available.
- ☐ Keeping the children in the community, their school and with siblings who know what is "normal" for the child and will be alert to any changes that may signal problems.
- ☐ Greater use of individualized services to meet the unique needs of a particular family.

For more information about the Family to Family initiative, visit the Michigan Department of Human Services Web site at www.michigan.gov/dhs.

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